

PLANNING BOARD MINUTES

November 2, 2015

Call The Meeting to Order

Chairman Stephen Johnson called the meeting to order at 7:00 P.M. in the Town Hall Auditorium. Present at the meeting were, Robert Fowler, Nancy Reed, Vincent Fratalia, Keith Anderson, Director of Community Development Steve Sadwick and Recording Secretary Dawn Cathcart.

(A) Committee Reports/Administrative Actions

(A1) Committee Reports

There were no committee reports.

(B) 2550 Main Street, Verizon Wireless Communications for Ronald White and Thomas Ratacik – Special Permit

MOTION - Mr. Fowler made a motion to waive the reading of the public hearing notice. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

Attorney Chris Swiniarski and Dan Goulet an RF Engineer, appeared for the Special Permit for Verizon Wireless at 2550 Main Street. Attorney Swiniarski stated that the proposal is for a 100' monopole tower with equipment storage. Coverage maps have been provided showing the missing coverage. It was difficult to find a site in this area because of all the residential homes. They have received approval in Wilmington for two sites that will be starting construction soon. They have also provided photo simulations and will schedule a balloon test. Mr. Johnson stated that for the record, the photo simulations show the trees with full leaves; this will not be during the winter months. Attorney Swiniarski stated that they are aware of that. Attorney Swiniarski added that he realizes that there is a facility that the Town owns down the street but they have had no luck with getting an RFP issued. Attorney Swiniarski added that there will be a shelter for the tower located in the back of this property.

Mrs. Reed asked if a peer review was done for this project. Mr. Johnson asked if a peer review was done for the last pole. Mr. Sadwick replied yes. Mrs. Reed stated that the laws have changed a lot over the last years and asked if the Town is issuing an RFP for the current cell tower at the South Street Fire Station. Mr. Sadwick replied that the RFP should be out in two weeks. Attorney Swiniarski stated that it took over a year to develop this plan so they are not interested in an RFP that is coming out in a few weeks. This is part of a network so they can't just change sites.

Mr. Anderson stated that he is concerned because of all the negativity on the other cell site. He is not in favor of another tower in this area. Attorney Swiniarski stated that this will look nothing like the other tower and they can't be held accountable for what the other tower looks like.

Mr. Johnson stated that there are only three issues that can be used to deny a permit and personnel opinion is not one of them. Attorney Swiniarski stated that the federal law requires that carriers provide coverage to our customers. Mr. Anderson would like a history of the regulations. Attorney Swiniarski said that he could bring that to the next meeting.

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Mr. Fratalia stated that he understands about providing coverage but we need to protect our residents as well. Mr. Fratalia asked why pictures were not taken on Glenwood Road since it is right across the street. Attorney Swiniarski stated that he was not sure but that is why they are doing a balloon test. Attorney Swiniarski stated that they can provide renderings from other spots if required. Mr. Fratalia asked what the existing tower would cover. Attorney Swiniarski stated that the tower would provide coverage with gaps and also provide more bandwidth.

Mr. Fowler stated the Tewksbury has a lot of towers, especially in this area and the one that is currently at the South Street Fire Station is an eye sore. Mr. Sadwick stated that Sprint constructed the tower in 2005. The lease has expired and there was a moratorium put on the site by the Town in hopes of relocating the tower. Mr. Sadwick added that Attorney Swiniarski is new representation to Verizon so he would not know the background. Attorney Swiniarski added that we have a master lease with all carriers.

Mr. Johnson stated that this is commentary for discussion. Mr. Johnson stated that the applicant needs to prove there is a need for substantial coverage and that it is a feasible site. If the Special Permit is not approved, it would not be unreasonable to look at another tower. Mr. Johnson stated that once the Wilmington sites get up and running it seems like the gap in coverage is not significant. He is not offering an opinion just commentary. Attorney Swiniarski stated that it is not just the amount of green depicted on the charts; the law allows the carriers to provide coverage to their customers. There is no written threshold in the law and it also allows for increasing capacity issues. Mr. Johnson asked if this Special Permit is approved, when construction will start. Attorney Swiniarski stated that it would start in 90-120 days.

Mr. Johnson asked if we could have Town Counsel review this application.

Mr. Goulet stated that where there shows a significant gap in coverage means Verizon service is deficient. On the slides, white does not mean you can't make a call but there may not be able to provide sufficient speed. Mr. Johnson stated that the slide that shows the coverage when the two Wilmington sites go online almost covers the same area as this tower. Mr. Goulet stated that this is a low power site and all of the antennas are inside the tower. Mr. Goulet stated that 70% of all 911 calls come from cell phones. The overloaded sections are going to hit their capacity soon.

Mr. Fratalia asked how height factors in. Mr. Goulet responded quite a bit. The Fire Department has antennas on the existing pole and there needs to be a certain height above the tree line. Mr. Fratalia stated that the current tower is 140' high.

Brian Lelos of 174 McCarthy Way – Mr. Lelos stated that he is a business owner at 2500 Main Street. His office is two lots down from this proposed site. There are no pictures of the site itself and the site is currently for sale. He represents the 24 business owners at his condo association. Mr. Lelos stated that when the leaves fall the tower will be completely visible. Mr. Johnson stated that they have not done the balloon test yet. Mr. Lelos asked what will happen if the business is sold. Attorney Swiniarski stated that the lease will continue regardless if the building is sold.

Richard Langston of 209 Cabot Road – Mr. Langston stated that he is in favor of the application.

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Mr. Johnson stated that in a recap, the balloon test will be scheduled and this project will have a peer review and Town Counsel review. Mr. Sadwick asked that the balloon test occur during the day. Attorney Swiniarski stated that would be fine but asked if the abutters could be notified by regular mail and not certified. Mr. Johnson stated that regular mail is fine for notification. Attorney Swiniarski stated that the balloon test will be scheduled on Saturday, November 14, 2015 from 9:00 AM to noon. The Town will also engage a peer review and Town Counsel review.

MOTION - Mr. Fowler made a motion to continue the Special Permit for 2550 Main Street until November 16, 2015 at 7:20 PM. The motion was seconded by Mr. Fratalia and voted 4-1. Mr. Anderson voting opposed.

(C) **1625 Shawsheen Street (Aka 1635 Shawsheen Street) Middlesex Glass for MAG Venture Group, LLC Site Plan Special Permit Continued**

Attorney Michael Newhouse, Steve Stapinski and Steve Arena appeared for the continued Site Plan Special Permit for 1625 Shawsheen Street. Mr. Stapinski stated that they received the memo from the Town Engineer and the plans have been revised accordingly. They have also addressed the Board of Health issue and the storage trailers have been removed. Mr. Sadwick stated that he spoke with the Town Engineer and the changes were minor but he has not seen the revised plans yet.

Mr. Anderson stated that he is all set.

Mr. Fowler stated that he is all set.

Mrs. Reed stated that on Sheet 3, there is still outdoor storage shown on the plan near the Praxair property. At the last hearing, she thought the applicant said it would be moving. Mr. Arena stated that the pallets near the front of the building will be moved in the back into the new racks. There are boxes near the back of the building that are for off-hour delivery of product that will remain but the front outside storage will be removed. Mr. Stapinski stated that a note will be added to the plan stating that this storage near the front of the building will be removed.

Mr. Fratalia asked if additional landscaping is planned for the area between this site and Praxair. Mr. Arena replied no, they are planning on leaving the landscaping as is.

Mr. Johnson stated that he has no questions.

There were no questions from the audience.

MOTION - Mr. Fowler made a motion to close the public hearing for 1625 Shawsheen Street. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

MOTION - Mr. Fowler made a motion to approve the Site plan Special Permit for 1625 Shawsheen Street with the plans submitted dated October 29, 2015 with a note being added that the material storage in the front is to be removed and subject to the Town Engineer's final approval. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

Old Business

There was no old business.

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New Business

Mr. Sadwick presented the proposed Planning Board 2016 Meeting schedule.

MOTION - Mr. Fowler made a motion to continue this matter until the next meeting. The motion was seconded by Mr. Anderson and unanimously voted 5-0.

Director's Report

There was no Director's Report.

Adjournment

MOTION - Mr. Fowler made a motion to adjourn the meeting at 8:15 PM. The motion was seconded by Mr. Anderson and unanimously voted 5-0.

Approved on: 12/21/15

*List of documents for 11/2/15 Agenda
Documents can be located at the Community Development Office*

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| B. | 7:00 | 2550 Main Street, Verizon Wireless Communication for Ronald White and Thomas Ratacik - Special Permit <ul style="list-style-type: none">• <i>Application packet dated 10/1/15.</i> |
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| C. | 7:10 | 1625 Shawsheen Street (aka 1635 Shawsheen Street) Middlesex Glass for MAG Venture Group, LLC Continued Site Plan Special Permit <ul style="list-style-type: none">• <i>Memo 10/28/15 from Town Engineer.</i>• <i>Copy of Site Development Plan dated August 21, 2015, revised October 29, 2015.</i> |